

1 **MELODY A. KRAMER**, SBN 169984  
2 KRAMER LAW OFFICE, INC.  
3 9930 Mesa Rim Road, Suite 1600  
4 San Diego, California 92121  
5 Telephone (858) 362-3150

6 **J. MICHAEL KALER**, SBN 158296  
7 KALER LAW OFFICES  
8 9930 Mesa Rim Road, Suite 200  
9 San Diego, California 92121  
10 Telephone (858) 362-3151

11 Attorneys for Plaintiff JENS ERIK SORENSEN,  
12 as Trustee of SORENSEN RESEARCH AND  
13 DEVELOPMENT TRUST

14 UNITED STATES DISTRICT COURT  
15 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

16 JENS ERIK SORENSEN, as Trustee of  
17 SORENSEN RESEARCH AND  
18 DEVELOPMENT TRUST,

19 Plaintiff,

20 v.

21 GIANT INTERNATIONAL (USA) LTD., a  
22 Delaware corporation, and DOES 1-10,

23 Defendants.

24 GIANT INTERNATIONAL (USA) LTD., a  
25 Delaware corporation,

26 Cross-Complainant,

27 v.

28 JENS ERIK SORENSEN, as Trustee of  
SORENSEN RESEARCH AND  
DEVELOPMENT TRUST,

Cross-Defendant.

) Case No. 07-CV-02121-BTM-CAB

)  
) **CROSS-DEFENDANT'S REPLY TO**  
) **COUNTERCLAIM**

1 Plaintiff/Cross-Defendant JENS E. SORENSEN, as TRUSTEE OF THE  
2 SORENSEN RESEARCH AND DEVELOPMENT TRUST (“SRDT”), for its Reply  
3 to Defendant/Cross-Complainant GIANT INTERNATIONAL (USA) LTD.  
4 (“GIANT”) COUNTERCLAIM, replies as follows:

5  
6 **COUNTERCLAIM FOR DECLARATORY RELIEF**

- 7
- 8 1. On information and belief, admit.
  - 9 2. Admit.
  - 10 3. Admit.
  - 11 4. Admit.
  - 12 5. Admit.
  - 13 6. Admit.
  - 14 7. Admit the existence of a substantial and continuing justiciable  
15 controversy between Giant and Sorensen relating to Sorensen’s allegations of  
16 infringement of the ‘184 patent by certain of Giant’s products. The remainder of  
17 paragraph 7 is denied.
  - 18 8. Deny.
  - 19 9. Deny.
  - 20 10. Deny that Giant will be damaged by being required to pay a reasonable  
21 royalty for use of the ‘184 patent in its products, and deny the remainder of  
22 paragraph 10.
  - 23 11. Admit that Giant seeks the declaration set forth, but deny any  
24 entitlement to any portion of the requested declaration.

25 **WHEREFORE**, SRDT prays that judgment on Giant’s Cross-Complaint be  
26 entered as follows:

- 27 a. For judgment in favor of SRDT and against Giant on all requested  
28 relief;

- 1           b.     That this case is decreed an “exceptional case” and SRDT is awarded  
2 reasonable attorneys’ fees by the Court pursuant to 35 U.S.C. § 285;  
3           c.     For costs of suit herein incurred;  
4           d.     For such other and further relief as the Court may deem just and proper.  
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6

7 DATED this 4<sup>th</sup> day of December, 2007.  
8

9                               JENS ERIK SORENSEN, as Trustee of  
10                              SORENSEN RESEARCH AND DEVELOPMENT  
11                              TRUST, Plaintiff

12                             /s/ Melody A. Kramer

13                             \_\_\_\_\_  
14                             Melody A. Kramer, Esq.  
15                             J. Michael Kaler, Esq.  
16                             Attorneys for Plaintiff  
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**PROOF OF SERVICE**

I, Melody A. Kramer declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121. I am a member of the State Bar of California and the Bar of this Court.

On December 4, 2007, I served on the parties to this action the following documents:

**CROSS-DEFENDANT'S REPLY TO COUNTERCLAIM**

<b>PERSON(S) SERVED</b>	<b>PARTY(IES) SERVED</b>	<b>METHOD OF SERVICE</b>
Allison Goddard J. Christopher Jaczko Jaczko Goddard LLP 4401 Eastgate Mall San Diego, CA 92121 agoddard@jaczkogoddard.com cjaczko@jaczkogoddard.com 858-225-3500 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court
Dale Lischer Elizabeth G. Borland Kerri A. Hochgesang Smith, Gambrell & Russell, LLP Promenade II, Suite 3100 1230 Peachtree St., N.E. Atlanta, GA 30309 404-685-6945 FAX	Defendant Giant International (USA) Ltd.	Email – Pleadings Filed with the Court

- ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered to the office of counsel during regular business hours.
- ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a sealed envelope containing a true copy of the foregoing documents with fees fully prepaid addressed to the above noted addressee for overnight delivery.
- ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by facsimile machine to the above noted addressees. The facsimile transmissions were reported as complete and without error.

1  
2 ☐ (Email) I emailed a true copy of the foregoing documents to an email address  
3 represented to be the correct email address for the above noted addressee.

4 ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed  
5 this document via the CM/ECF system for the United States District Court for the  
6 Southern District of California.

7 I declare that the foregoing is true and correct, and that this declaration was executed on Tuesday,  
8 December 04, 2007, in San Diego, California.

9 /s/ Melody A. Kramer

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11 Melody A. Kramer  
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